



## Request for Proposal for Geotechnical and Geology Services for Road Paving Projects No. DPW12-18

### Addendum 1

1. Attachment J, Section 9, delete first paragraph and replace with the following revised indemnity clause:

For “design professional services” as defined in Civil Code section 2782.8, the following indemnification paragraph applies: **“Proposer shall defend and indemnify County for claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the design professional.”**

For a “construction contract” as defined in Civil Code section 2783, the following indemnification paragraph applies: “The Contractor agrees to indemnify, defend (with counsel reasonably approved by County) and hold harmless the County and its authorized officers, employees, agents and volunteers (Indemnitees) from any and all claims, actions, losses, damages, and/or liability arising out of this Agreement from any cause whatsoever, including the acts, errors or omissions of any person and for any costs or expenses incurred by the Indemnitees on account of any claim except where such indemnification is prohibited by law. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The Contractor’s indemnification obligation applies to the Indemnitee’s “passive” negligence but does not apply to the Indemnitee’s “sole” or “active” negligence” or “willful misconduct” within the meaning of Civil Code Section 2782.”

For all other consultant services, the following indemnification paragraph applies: “The Proposer agrees to indemnify, defend (with counsel reasonably approved by County) and hold harmless the County and its authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages and/or liability arising out of this Agreement from any cause whatsoever, including the acts, errors or omissions of any person and for any costs or expenses incurred by the County on account of any claim except where such indemnification is prohibited by law. This indemnification provision shall apply regardless of the existence or degree of fault of indemnities. The Proposer indemnification obligation applies to the County’s “active” as well as “passive” negligence but does not apply to the County’s “sole negligence” or “willful misconduct” within the meaning of Civil Code Section 2782.”

2. Attachment F – the Proposers All-Inclusive Fee does not need to be filled in at the time of the proposals. This portion of the Fee Proposal Sheet will be used for individual requests not covered by the individual test methods listed on the Fee Sheet. The fees for the individual test methods do need to be included in the proposal.